

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11-CV-331-GCM**

**JOSE CARLOS VELEZ-COLON,**  
**Plaintiff,**

**v.**

**BANK OF AMERICA CORPORATION;**  
**Does 1-100, Inclusive,**  
**Defendants.**

**ORDER**

**THIS MATTER** comes before the Court upon Plaintiff's Motion for Reconsideration filed on September 1, 2011 [doc. # 8].

In support of this request, the Plaintiff notifies the court that he mistakenly added an additional "0" and incorrectly represented his public assistance in the form of food stamps as \$1,200 per month. The plaintiff now reports that the actual monthly income from food stamps is \$120, not \$1,200 per month.

Based on the foregoing representation, the Court finds that the Plaintiff does not have sufficient resources from which to pay the entire filing fee for this action. Consequently, the Plaintiff's motion will be granted in part and denied in part.

**NOW, THEREFORE, IT IS ORDERED** that the Plaintiff's Motion for Reconsideration re Order on Motion for Leave to Proceed in forma pauperis is **GRANTED in part and DENIED in part**. Plaintiff shall pay \$175.00 of the \$350.00 filing fee within thirty (30) days from the date of this order. Failure to pay the filing fee may result in dismissal of this action.

**SO ORDERED.**

Signed: September 28, 2011



Graham C. Mullen  
United States District Judge

